



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,522	03/26/2001	Daniel W. Van Vleet	1752	7905

24264 7590 04/22/2002

TIMOTHY J MARTIN, PC
9250 W 5TH AVENUE
SUITE 200
LAKEWOOD, CO 80226

EXAMINER

FERKO, KATHRYN P

ART UNIT PAPER NUMBER

3743

DATE MAILED: 04/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/817,522	VAN VLEET, DANIEL W.
	Examiner Kathryn Ferko	Art Unit 3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on March 26, 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 21 May 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the specification recites a circular flat wall as element 42 and an open lid interior as element 69 which are not shown in the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

3. The disclosure is objected to because of the following informalities: on page 11, beginning in line 10 reference is made to circular flat wall as element 42. There does not appear to be a corresponding labeled element on the drawings. Additionally, on page 12, beginning in line 6, reference is made to an open lid interior as element 69. Again, there does not appear to be a corresponding labeled element on the drawings. Either the specification needs to be amended to correspond to an existing figure number or the drawings need to be amended to include all element reference numerals. Furthermore, the paragraph on page 15 beginning in line 20 is awkward and revision is suggested.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 1 recites the limitation "said gas manifold" in line 14. Claim 6 recites the limitation "said upper rim" in lines 1-2. Claim 8 recites the limitation "said gas manifold" in lines 1-2. Claim 9 recites the limitation "said gas manifold" in lines 1-2, "the inner surface" in lines 2-3, "the plane" in line 5 and "the rim" in line 5. Claim 10 recites the limitation "said manifold" in line 3. Claim 13 recites the limitation "said interior pan" in line 2. Claim 14 recites the limitation "said upper rim" in lines 1-2, "said support surface" in line 2, "the plane" in line 3, "said upper rim" in line 4, and "said support surface" in lines 4-5. There is insufficient antecedent basis for these limitations in the claims. All elements must be initially defined/referred to before the term "the" or "said" can be used. Any occurrences of lack of antecedent basis other than those mentioned must also be amended. Additionally, claim 15 recites the limitation "a shell" and "said shell." Since the base and fire pan both have shells, it is recommended when referring to the shell of the base as -- base shell -- and the shell of the pan as -- fire pan shell -- or some other phrase that distinguishes the two shells.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claims 1-6, 8, 11, 15-16, 18, 20-22, and 24-27 are rejected under 35

U.S.C. 102(a or e) as being anticipated by Pedersen et al.

Pedersen et al. disclose: a campfire apparatus (10) adapted to be placed in an assembled state on a support surface and connected to a source of fuel (42) having a base (12) adapted to rest on the support surface when in the assembled state; a fire pan (14) adapted to be supported by the base when in the assembled state; a fire pan having a main body portion having an inner surface, an upper rim and a pan interior, as seen in figures 1 and 2; at least one gas outlet operative to introduce vaporized fuel in to the pan interior when connected to the source of fuel and in the assembled state, as recited in column 3, lines 34-47; a quality of low-density, non-flammable particulate material (48) adapted to be disposed in the fire pan at a depth sufficient to cover a gas manifold when in the assembled state; a connector associated with the gas manifold and adapted to connect to a source of fuel, as seen in figure 3 and 4; a particulate material from the group clay, shale, slate, and slag particulates, zeolites, alumina hydrates, borates, perlite, vermiculite, beach sand, volcanic

sand and sandblasting sand where the particulate material is specifically vermiculite, as stated in column 3, lines 48-51; a lid (16) sized and adapted to enclose the pan interior with a portion of the lid being supported by a portion of the main body, as seen in figure 1; an upper rim that extend continuously around the fire pan and includes an inwardly projecting shoulder (18) portion disposed on the upper rim where the shoulder portion is operative to support the lid in the mounted state; a gas manifold (26) that has a selected size and shape selected from a group of toroidal, serpentine, linear and linearly angled shapes, as seen in figure 3; a fire pan configured as a geometric shell selected from a group consisting of a portion of a spherical shell, a truncated pyramidal shell, a rectangular parallelepiped shape, a polyhedral shell, a conical shell, a cylindrical shell and a pyramidal shell; a base constructed as a shell with a lower rim so as to have a base interior with a selected size and geometric configuration; a shell fire pan with an upper rim so as to have a pan interior having a selected geometric configuration and size; a base and fire pan that are secured to one another so that the base interior and the pan interior are oppositely opening; a fire pan with a central axis and a base with a central axis that are secured together such that the central axis of each is co-linear; and a plurality of ports (30) formed in spaced apart relation to one another around a gas manifold thereby to define a plurality of gas outlets

8. Claims 1-3, 5, 8, 11-16, 20, 22, and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Omar.

Omar discloses: a campfire apparatus (1) adapted to be placed in an assembled state on a support surface and connected to a source of fuel having a base adapted to rest on the support surface when in the assembled state, as stated in column 3, lines 1-16; a fire pan (31 and 32) adapted to be supported by the base when in the assembled state; a fire pan having a main body portion having an inner surface, an upper rim and a pan interior, as seen in figure 2; at least one gas outlet operative to introduce vaporized fuel in to the pan interior when connected to the source of fuel and in the assembled state, as stated in column 3, lines 46-60; a quality of low-density, non-flammable particulate material adapted to be disposed in the fire pan at a depth sufficient to cover a gas manifold when in the assembled state (2); a connector associated with the gas manifold and adapted to connect to a source of fuel; particulate material from the group clay, shale, slate, and slag particulates, zeolites, alumina hydrates, borates, perlite, vermiculite, beach sand, volcanic sand and sandblasting sand, as stated in column 3, lines 1-3; a lid (4) sized and adapted to enclose the pan interior with a portion of the lid being supported by a portion of the main body, as stated in column 3, lines 26-45; a gas manifold that has a selected size and shape selected from a group of toroidal, serpentine, linear and linearly angled shapes, as seen in figure 2; a plurality of ports (82) formed in spaced apart relation to one another around a gas manifold thereby to define a plurality of gas outlets, as seen in figure 4; a fire pan configured as a geometric shell selected from a group consisting of a portion of a spherical shell, a truncated pyramidal

shell, a rectangular parallelepiped shape, a polyhedral shell, a conical shell, a cylindrical shell and a pyramidal shell; as seen in figure 1; a fire pan and base that are substantially the same shape and size; as seen in figure 2 where the portion under element 31 is substantially the same shape as that defined by element 32; a lid sized and adapted to enclose an interior pan where a portion of the lid has substantially the same geometric structure as the fire pan and base, where the lid structure including (41, 42 and 43) forms a shape roughly that of the fire pan; an upper rim that extends in a plane parallel to a support surface when in an upright position and when in a tipped over position a plane of the upper rim is oriented at no less than ninety degrees to the support surface; a base constructed as a shell with a lower rim so as to have a base interior with a selected size and geometric configuration; a shell fire pan with an upper rim so as to have a pan interior having a selected geometric configuration and size; a base and fire pan that are secured to one another so that the base interior and the pan interior are oppositely opening; and a fire pan with a central axis and a base with a central axis that are secured together such that the central axis of each is co-linear.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 7, 9-10, 17, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedersen et al. in view of Gonzalez.

Pedersen discloses the invention as applied to claims 1 and 15 above. However, a spacer adapted to be interposed between the fire pan and the base when in the assembled state so that the base supports the spacer and the spacer supports the fire pan; a gas manifold outlet that directs vaporized fuel laterally toward an axis that is perpendicular to a plane containing a rim of the fire pan a fire pan and base that are substantially the same shape and size; and a spacer having a hollow interior and interposed between the base and fire pan where at least one bolt interconnecting the fire pan and the base where the bolt passes through the interior of the spacer have not been explicitly recited. On the other hand, Gonzalez teaches a spacer adapted to be interposed between the fire pan and the base when in the assembled state so that the base supports the spacer and the spacer supports the fire pan, as seen in figure 3; and a gas manifold outlet that directs vaporized fuel laterally toward an axis that is perpendicular to a plane containing a rim of the fire pan, as described in column 3, lines 65-68 and column 4, lines 1-9. Therefore, it would be obvious to one with ordinary skill in the art to provide the apparatus of Pedersen et al. with a spacer having a hollow interior and interposed between the base and fire pan, as taught by Gonzalez, for the purpose of increased ventilation and efficient combustion. Furthermore, the use of bolts that pass through the interior of the spacer would also be an obvious way to interconnect the fire pan and the base. Additionally, it

would be obvious to one with ordinary skill in the art at the time the invention was made to substitute the perpendicular outlet direction for the gas manifold, as taught by Gonzalez, in the system of Pedersen et al. for the purpose of increasing safety by having the inward direction of gas flow to deter unintended flare ups.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are as follows: US Patent No. 4,890,601, US Patent No. 4,531,506, and US Patent No. 3,529,557.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathryn Ferko whose telephone number is (703) 306-3454. The examiner can normally be reached on M-F (7:30-5:00) First Friday Off.

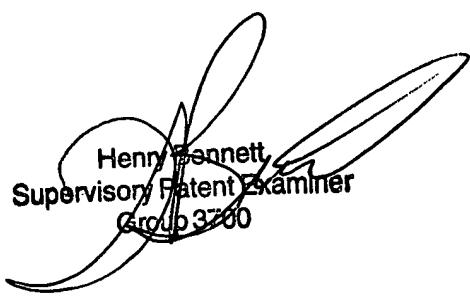
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A Bennett can be reached on (703) 308-0101. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Application/Control Number: 09/817,522
Art Unit: 3743

Page 10

KF
April 15, 2002



Henry Bennett,
Supervisory Patent Examiner
Group 3700